

**LAW OFFICE OF FRANK SORRENTINO**

FRANK SORRENTINO, ESQ.

Nevada Bar No. 000421

BONNIE BOYCE, ESQ.

Nevada Bar No. 000870

1118 East Carson Avenue

Las Vegas, Nevada 89101

(702) 384-6824

Attorney for Debtor

**E-Filed On: 09-18-2009**

**UNITED STATES BANKRUPTCY COURT**

**DISTRICT OF NEVADA**

In Re

**DAVID P. WALTER**

Debtor

Case No.: BK-S-08-24593-MKN  
Chapter 13

Hearing Date: September 30<sup>th</sup>, 2009  
Hearing Time: 1:30 p.m.

**OPPOSITION TO MOTION FOR RELIEF FROM AUTOMATIC STAY**

COMES NOW, Debtor, DAVID P. WALTER, by and through his attorney, BONNIE BOYCE, ESQ., of the LAW OFFICE OF FRANK SORRENTINO, and respectfully requests this Court to deny the MOTION FOR RELIEF FROM AUTOMATIC STAY filed by WELLS FARGO BANK, N.A. dba America's Servicing Company by and through its attorney, GREGORY L. WILDE, ESQ. of WILDE & ASSOCIATES.

**POINTS AND AUTHORITIES**

11 USC Section 362(d)(1) states that the Court may terminate, modify or condition stay:

"for cause, including the lack of adequate protection of an interest in property of such party in interest;—"

11 USC Section 362(d)(2) the Court may terminate, modify or condition a stay:

"with respect to a stay of an act against property under subsection (a) of this section, if-

(A) the debtor does not have an equity in such property AND

(B) such property is not necessary to an effective reorganization

**STATEMENT OF FACT**

Debtor's property is located at 3945 Narrow Canyon Street, in Las Vegas, Nevada 89129. The property was valued at approximately \$ 210,181.00 at the time of filing. Debtor's home is necessary for an effective reorganization.

11 USC Section 362(d)(1) may apply as:

1. Debtor acknowledges that he was late on the post-petition mortgage payments.
2. Debtor's intentions are to stay current on future post-petition mortgage payments.
3. Debtor may provide funds prior to the hearing.

**CONCLUSION**

THEREFORE, Debtor requests that the Motion for Relief from Automatic Stay be denied under 11 USC Section (d) (1) or (2), and that any action on creditor's behalf be stayed for an adequate amount of time to allow Debtor to become current on the post-petition mortgage arrearages and/or to Stipulate to an Order Re Adequate Protection.

DATED this 18<sup>th</sup> day of September, 2009.

LAW OFFICE OF FRANK SORRENTINO

/s/ Bonnie Boyce  
By: \_\_\_\_\_  
BONNIE BOYCE, ESQ.  
Nevada Bar No. 000870  
1118 East Carson Avenue  
Las Vegas, Nevada 89101  
Attorney for Debtor

**CERTIFICATE OF MAILING**

I, the undersigned, an employee of the Law Office of Frank Sorrentino, hereby  
certify that on the 18<sup>th</sup> day of September, 2009, I deposited in the United States Mail,  
first class mail, postage pre-paid, a true and correct copy of the **Opposition to Motion  
For Relief From Automatic Stay** to all parties listed below:

Kathleen A. Leavitt  
Chapter 13 Trustee  
201 Las Vegas Blvd. South, # 200  
Las Vegas, Nevada 89101

Gregory L. Wilde, Esq.  
WILDE HANSEN, LLP.  
208 South Jones Blvd.  
Las Vegas, Nevada 89107

David P. Walter  
3945 Narrow Canyon Street  
Las Vegas, Nevada 89129

/s/ Angela P. Ballard  
By \_\_\_\_\_  
**An employee of the Law Office of  
Frank Sorrentino**

## \*\* §362 INFORMATION SHEET \*\*

David P. Walter 08-24593-MKN  
DEBTOR BK NO. MOTION NO.

Wells Fargo Bank, N.A., dba America's Serv.Co. 13  
MOVANT Chapter

PROPERTY INVOLVED IN THIS MOTION: 3945 Narrow Canyon St.  
Las Vegas, Nevada 89129

NOTICE SERVED ON:  
DEBTOR(S) x; DEBTOR(S)' COUNSEL x TRUSTEE X

DATE OF SERVICE: \_\_\_\_\_

MOVING PARTY'S CONNECTIONS:

\* DEBTOR'S CONNECTIONS:

THE EXTENT and PRIORITY of LIENS:

\* THE EXTENT and PRIORITY of LIENS:

1ST \_\_\_\_\_

\* 1<sup>st</sup> Wells Fargo Bank, N.A.

2nd \_\_\_\_\_

\* (\$ 284,500.00)

\* 2<sup>nd</sup> Countrywide

3RD \_\_\_\_\_

\* (\$ 30,500.00)

\* 3RD \_\_\_\_\_

4TH \_\_\_\_\_

\* 4TH \_\_\_\_\_

OTHER \_\_\_\_\_

\* OTHER \_\_\_\_\_

TOTAL ENCUMBRANCES: \_\_\_\_\_

TOTAL ENCUMBRANCES: \$315,000.00

APPRAISAL or OPINION as to VALUE:

\* APPRAISAL or OPINION as to VALUE:

\* \$ 210,181.00

TERMS of MOVANT'S CONTRACT  
with the DEBTOR:

\* DEBTOR'S OFFER OF "ADEQUATE  
\* PROTECTION" for MOVANT:

AMOUNT OF NOTE: \$ 284,500.00

INTEREST RATE: 6.625 %

\* Cure over 6 months

DURATION: 30 years

\* SPECIAL CIRCUMSTANCES:

PAYMENT PER MONTH: \$ 1,821.76

DATE OF DEFAULT: Nov. 1, 2008

\* SUBMITTED BY:

AMOUNT IN ARREARS: \$ 6,522.34

\* BONNIE BOYCE, ESQ.

DATE OF NOTICE -DEFAULT: 08-14-09

\* Signature: /S/Bonnie Boyce

SPECIAL CIRCUMSTANCES:

Nevada Bar # 000870

\* LAW OFFICE OF FRANK SORRENTINO

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